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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
| 09/039,176      | 03/13/98    | RINES                | C                   |

RINES AND RINES  
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CONCORD NH 03301

LM02/0106

EXAMINER

DAVIS, D

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2754

DATE MAILED: 01/06/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/039,176

Applicant(s)  
Rines et al

Examiner  
David D. Davis

Group Art Unit  
2754



☒ Responsive to communication(s) filed on Dec 17, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1 and 11-22 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 12-22 is/are rejected.

☒ Claim(s) 1 and 11 is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2754

***Specification***

1. The application is objected to because of alterations which have not been initialed and/or dated as is required by 37 CFR 1.52(c). A properly executed oath or declaration which complies with 37 CFR 1.67(a) and identifies the application by application number and filing date is required.

***Claim Objections***

2. The claims 1 and 11 are objected to because they are not legibly written either by a typewriter or mechanical printer in permanent dark ink or its equivalent in portrait orientation on flexible, strong, smooth, non - shiny, durable, and white paper and lack sufficient clarity, making reading and entry of amendments difficult. Substitute claims are required. See 37 CFR 1.52(a).

3. The numbering of claims is not accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 1-11 have been renumbered as claims 12-22.

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***Claim Rejections - 35 U.S.C. § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 12, 15-18 and 21 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hale (US 4,713,801).

***Claim Rejections - 35 U.S.C. § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was

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made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 13, 14, 19, 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hale (US 4,713,801). As per claims 12, 15 and 21, Hale discloses in column 5, lines 23-30 and shows in figures 1 a combined vehicle entertainment audio-tape player and tape recorder cassette deck system provided with playback/recording head and audio amplifier means and respective vehicle loudspeaker and recording microphone having a dictation-recording switch selectively actuatable by the vehicle driver for energizing the recorder to enable the driver to dictate locally in the vehicle into the microphone and locally to record the driver dictation on a cassette tape.

However, concerning claims 13, 19 and 22, Hale is silent as to a driver-operated switch control located at the steering wheel structure. Concerning claims 14 and 20, Hale is also silent as to voice activated switches.

Official notice is taken of the fact that switches on a steering wheel structure and voice activated switches are notoriously old and well known in the media player art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the device of Hale with a switch disposed in the steering wheel region as taught by in the art.

The rationale is as follows: one of ordinary skill in the art would have been motivated to facilitate easy access of the switching means in order to ensure correct operation.

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It also would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the tape deck of Hale with voice command capabilities as taught in the art.

The rationale is as follows: one of ordinary skill in the art would have been motivated to control the tape deck without using one's hands in order to decrease distractions especially while driving.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Davis whose telephone number is (703) 308-1503.



David D. Davis  
Patent Examiner  
December 31, 1998